

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OSCEOLA WILLIAMS, SUSAN  
CARTER and OSCEOLA  
PERDUE, as Co-Administrators of the  
Estate of ALEXANDER McCLAY  
WILLIAMS, Deceased,  
Plaintiffs,

CIVIL ACTION

NO. 24-2132

v.

JOSEPH RUTALA, ESQUIRE, As The  
Administrator of the Estate of OLIVER N.  
SMITH, Deceased, and as the Administrator  
of the Estate of MICHAEL TRESTRALL;  
MARK HALPERN, as Administrator of the  
Estate of LOUIS A. BLOOM, Deceased;  
and DELAWARE  
COUNTY,  
Defendants.

**ORDER**

AND NOW, this 21st day of May, 2025, upon consideration of Defendants' Motion to Dismiss (ECF No. 7), Plaintiffs' response (ECF No. 8), and the replies thereto, **IT IS ORDERED** that:

1. The Motion to Dismiss the Wrongful Death (Count I) and Survival (Count II) claims is **GRANTED** and those claims are **DISMISSED**. However, Plaintiff may amend their complaint within 14 days of this Order to address the deficiencies of these claims.
2. Defendants' Motion to Dismiss the § 1983 Municipal Liability Claim against Defendant Delaware County (Count X) is **DENIED**.
3. The Court holds the § 1983 claims against the Individual Defendants (Counts III-IX, XI) in abeyance unless and until Plaintiff submits a more definite statement on the issue of qualified immunity pursuant to Federal Rule of Civil Procedure 12(e). Plaintiffs have 14

days from the date of this Order to do so, after which time Defendants shall have 14 days to submit an amended Motion to Dismiss, if they so choose.

**BY THE COURT:**

**/s/ Hon. Kelley B. Hodge**

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**HODGE, KELLEY B., J.**